

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**7 **DISTRICT OF NEVADA**8 IN RE: Southwest Exchange, Inc., Internal) 2:07-cv-01394-RCJ-GWF
9 Revenue Service §1031 Tax Deferred Exchange)
10 Litigation, MDL No. 1878)**ORDER**

11 This multi-district case has been pending since 2007. The Court has approved several
12 settlements and stipulated dismissals. The Court recently closed the case. Plaintiff Jon Sorrell
13 and the five other class representatives have moved for the Court to approve the payment of
14 attorney's fees out of the Wave V Carolina.RSUI settlement monies held in the litigation defense
15 trust. Specifically, Movants have asked the Court to authorize the Receiver, Larry L. Bertsch, to
16 pay class counsel Hollister & Brace \$6789.29 in costs out of the \$875,336.70 held in trust, as
17 well as their 25% contingency fee after costs are paid, which is \$217,136.85. Movants note that
18 the Court previously approved this payment in Minute Order No. 271, but class counsel failed to
19 get the proposed order signed. No party has objected. The Court grants the motion.

20 Next, the Receiver has asked the Court for an order declaring that any conditions
21 precedent to the distribution of monies from the litigation defense fund have occurred, that the
22 Receiver has complied with the settlement agreement with Carolina and RSUI, and approving
23 distribution of monies to Plaintiffs and class members. No party has objected. The Court grants
24 the motion.

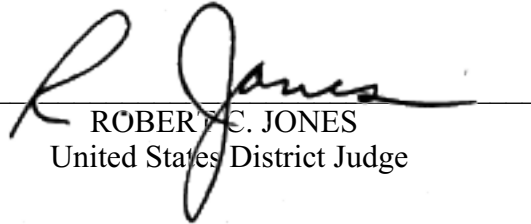
25 ///

CONCLUSION

IT IS HEREBY ORDERED that the Receiver's Motion (ECF No. 290) and the Motion for Attorney's Fees (ECF No. 291) are GRANTED. The Receiver was previously authorized to pay Hollister & Brace \$8885.77 in costs and a 25% contingency fee of \$231,576.17 out of the Immediate Funds contributed pursuant to the Carolina/RSUI settlement. The Receiver is now authorized and directed to pay Hollister & Brace \$6789.29 in litigation costs incurred from May 2010 through February 2013 and a 25% contingency fee of \$217,136.85. The remaining funds of \$651,410.56 shall be distributed to the Plaintiffs and class members by the Receiver in accordance with the Wave V Settlement Agreement.

IT IS SO ORDERED.

Dated this 26th day of April, 2013.


ROBERT C. JONES
United States District Judge